

REMARKS

Summary of Amendments

Applicant has amended claims 14 and 18 above to more specifically define the purpose of the quasi-static non-propagating electromagnetic field as carrying communications and to also define means for receiving the communications as being part of the overall system. It is believed that this was clearly understood in the previous language but the Examiner had called this into question, so a clarifying amendment has been made. Claim 17 has been amended to refer to the specifically defined "means".

Paragraph 1 (Response to Arguments)

The Examiner has taken the position that the restrictions set forth in the claims had no effect because they were either contained in the preamble to the claim or were not redundantly recited in the subordinate clauses. Applicant has amended the claims, as set forth above, to overcome this type of rejection.

The other issues dealt with in this section have been argued several times previously and are again addressed below.

Paragraph 2 (Claim Rejections – 35 USC §102)

The Examiner, in this section paragraph, has rejected the claims (14, 15 and 17) on the basis that they are perceived to be anticipated by *Telewski* (US Patent No. 6,021,315). This appears to be an error, perhaps typographical, since *Telewski* is clearly not relevant to the present invention and does not deal with a similar technology. The arguments in the subparagraphs all refer instead to *Hershey* (US 6,329,928). The column references clearly do not apply to *Telewski*, at all. Assuming that the Examiner meant to base the rejection on the familiar reference of *Hershey*, Applicant continues to vigorously contest this position.

Rather than provide the detailed arguments previously submitted on this matter, Applicant merely refers the Examiner to previous submissions and again asserts that *Hershey* does **NOT** generate a quasi-static, non-propagating electromagnetic field. *Hershey* communicates via a propagating conductive approach. The field generated in *Hershey* is neither quasi-static, nor is it non-propagating. With respect to the rejection of Claim 17 it is again noted that *Hershey* uses a radio only as an alternative to his system and only outside the building, so it is of no possible relevance to the present invention.

Paragraph 3 (Claim Rejections – 35 USC §103)

The Examiner rejects claims 16, 18 and 19 based on the combination of *Hershey* and the newly cited reference of *Richley* (US patent No. 5,437,057). For the reasons discussed above and below, these rejections are not well founded.

As shown above and in earlier arguments, *Hershey* not only fails to use radio frequency communications (3 to 400 Megahertz) but also actively teaches why this is not feasible. *Hershey*, at column 3, lines 13-18 specifically indicates that radio frequency transmission within building structures is impractical. Therefore, *Hershey* teaches away from any combination using these frequencies, and does not in any way make such a combination “obvious”.

Richley adds nothing to teach otherwise. The cited column reference in *Richley* is not germane to the present invention. As is made clear in columns 5 and 6, *Richley* teaches separate antennas within rooms for communicating with cellular phones, it does not deal with communications between or among rooms (in different sections of a grid). The 5-15MHz frequency referred to is only used within a room. This is purely an antenna system and does not utilize the conductive grid in any way.

Of course, the main reason that none of *Richley*'s teachings are relevant to Applicant's invention is that *Richley* deals entirely with propagating wave systems. It deals with far-field and near-field communications, both of which terms refer exclusively to propagating wave situations. As Applicant has explained previously, the fact that Applicant's electromagnetic wave phenomenon is not “far-field” does not in any way mean that it is “near-field”. It is an entirely different animal entirely in that it is quasi-static and non-propagating (now known to be “evanescent”).

In addition, there is nothing whatsoever to indicate that it is appropriate to combine any teachings of *Hershey* and *Richley*. These two references deal with situations and technologies as unrelated to each other as they are to the present invention. There is nothing in either reference or in the general art which would imply that it is appropriate or possible to combine the teachings of these references, even if such would be relevant to Applicant's system. Accordingly, combining these references under Section 103 is improper.

Accordingly, the rejections under Section 103 are not well taken and should be withdrawn.

Serial No.: 09/340218
Electromagnetic Field Communications System, etc.
Chadwick, George G.

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Art Unit: 2682
Att. Ref. 60607.300101

Conclusion

Having responded to all of the paragraphs of the Office Action, Applicant respectfully submits that the Application is now in condition for allowance. Applicant therefore respectfully requests that a Notice of Allowance be forthcoming at the Examiner's earliest opportunity. Should the Examiner have any questions or comments with regard to this amendment, a telephonic conference at the number set forth below is respectfully requested.

Respectfully submitted,



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Date: 02 February 2006

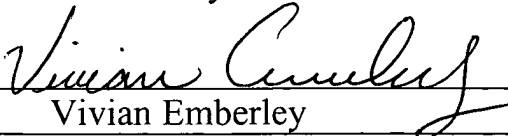
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CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on 02 February 2006 with the U.S. Postal Service as first class mail in an envelope addressed to: MS Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 02 February 2006


Vivian Emberley